

-----  
LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature Second Regular Session - 2012  
-----

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

AN ACT

RELATING TO PLUMBING AND PLUMBERS; AMENDING SECTION 54-2601, IDAHO CODE, TO  
REVISE PROVISIONS RELATING TO POLICY AND PURPOSE, TO REVISE PROVISIONS  
RELATING TO THE UNIFORM PLUMBING CODE, TO ESTABLISH PROVISIONS RELATING  
TO THE IDAHO STATE PLUMBING CODE, TO ESTABLISH PROVISIONS RELATING TO  
CITIES ELECTING TO IMPLEMENT A PLUMBING CODE ENFORCEMENT PROGRAM, TO  
ESTABLISH PROVISIONS RELATING TO CITIES AND THE IDAHO STATE PLUMBING  
CODE, TO PROVIDE FOR A PUBLIC HEARING AND NOTICE; TO REVISE PROVISIONS  
RELATING TO APPLICATION OF LAWS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-2601, Idaho Code, be, and the same is hereby  
amended to read as follows:

54-2601. DECLARATION OF POLICY AND PURPOSE OF ACT -- IDAHO STATE  
PLUMBING CODE. (1) The purpose of this act is to provide certain minimum  
standards and requirements for the use of and the design, construction,  
installation, improvement, extension and alteration of materials, piping,  
venting, fixtures, appliances and appurtenances in relation to plumbing and  
plumbing systems hereinafter defined, and to provide that all plumbing and  
plumbing systems in the state shall be designed, constructed, installed,  
improved, extended and altered in substantial accord with the uniform  
plumbing code published by the international association of plumbing  
and mechanical officials, and as it shall be amended, revised, compiled  
and published from time to time and as such subsequent editions, amendments  
or revisions thereto shall be adopted by the Idaho plumbing board, provided  
that the through the negotiated rulemaking process. Any amendments, revi-  
sions or modifications made to the uniform plumbing code by the board shall  
be made by administrative rules promulgated by the board. The uniform plumb-  
ing code together with any amendments, revisions or modifications made by  
the board shall collectively constitute and be named the Idaho state plumb-  
ing code. The board shall conduct a minimum of two (2) public hearings with  
notice of such public hearings provided in accordance with the provisions of  
section 67-2343, Idaho Code.

(2) Cities electing to implement a plumbing code enforcement program  
shall do so only in compliance with the provisions of this section. Cities  
may elect to implement a plumbing enforcement program by passing an ordi-  
nance evidencing the intent to do so. Cities that perform plumbing code  
enforcement activities shall, except as provided in subsection (3) of this  
section, by ordinance adopt the uniform plumbing code together with any  
amendments thereto made by the board, which shall collectively constitute  
and be named the Idaho state plumbing code. The effective date of any edition  
of the code adopted by the board shall be January 1 of the year following its  
adoption.

1       (3) Cities may further amend the Idaho state plumbing code adopted by  
2 the board in conformance with this section to address local concerns pro-  
3 vided that such amendments prescribe at least an equivalent level of protec-  
4 tion to that contained in the uniform plumbing code. Provided however, that  
5 no code other than the uniform plumbing code together with any amendments,  
6 revisions or modifications made by the board which collectively constitute  
7 the Idaho state plumbing code may serve as the minimum standard for plumbing  
8 installations in such city. A city electing to amend the Idaho state plumb-  
9 ing code as adopted by the board may do so only after a finding by the city  
10 that good cause exists for such an amendment and that such amendment is rea-  
11 sonably necessary. Prior to making a finding of good cause for such an amend-  
12 ment, the city shall conduct a public hearing. Notice of the time and place  
13 of the public hearing shall be published in the official newspaper or paper  
14 of general circulation within the city. Written notice of such public hear-  
15 ing and the text of the proposed amendment shall be given by the city to the  
16 board not less than thirty (30) days prior to such hearing.

17       (4) The remaining provisions of this act shall not apply, except as  
18 hereinafter provided, to cities if such cities have ~~or~~ enact ordinances or  
19 codes prescribing the Idaho state plumbing code and amendments it may make  
20 thereto in accordance with this section for all plumbing installations which  
21 shall be considered the equal minimum standards, and requirements including  
22 the enforcement thereof as provided by this act.

## STATEMENT OF PURPOSE

RS 20821

Currently, Section 54-2601, Idaho Code, adopts the Uniform Plumbing Code (UPC) as the standard to which all plumbing installations administered and enforced by the Division of Building Safety and cities must be installed. The UPC has been the legislative code of choice since 1975. This statute also currently allows cities to adopt a plumbing enforcement program as long as a city ordinance prescribes the equal minimum standards. In recent years, there has developed some question as to the applicability of more than one plumbing code in city jurisdictions and whether such are considered the equal minimum standards. This has made it more expensive as well as more difficult for plumbers to conform to the code and operate with consistency. It has also made it more difficult for plumbing officials to determine exactly which standards to apply. The Idaho Plumbing Board, in agreement with representatives from city jurisdictions, would clarify that the Uniform Plumbing Code, along with amendments and reference material to collectively constitute the Idaho State Plumbing Code (ISPC), would serve as the uniform standard for all plumbing installations throughout all jurisdictions in the state. Such amendments to the code would be made by the Board through the negotiated rulemaking process. However, cities would still retain authority to administer a plumbing enforcement program and the ability to further amend the code to meet local needs through an amendment process requiring notice and a public hearing. The body of the UPC (and appendices) would stay intact thus remaining a nationally recognized model plumbing standard for use by all jurisdictions in Idaho. Amendments to it by the Board would be accomplished in the form of administrative rules as they have always been.

## FISCAL NOTE

The fiscal impact to the Division should initially be slightly negative due to the purchase of new code books for its inspectors. In the longer term, the fiscal impact is expected to be positive. Only minimal training will be required to familiarize DBS inspectors with the updated UPC edition and this would be accomplished within the Division itself. The publisher has also agreed to make the entire code available to the public (including the Division and cities) electronically at no charge and directly accessible via the DBS website. No new plumbing code has been adopted since the 2003 UPC, and some expenses are necessarily involved in such adoption process; however, the Board has not identified any increased expenses as a result of establishing the ISPC. The fiscal impact on cities who

administer a program as well as the plumbing industry is anticipated to be substantially similar to that of the Division as described above, and not expected to require significant additional training or education. The enforcement of one state-wide code would eliminate the need to purchase multiple code books, and the inclusion of plumbing statutes and IDAPA rules into the code book itself should also save the industry time and expense.

#### CONTACT

Name: Steve Keys  
Agency: Building Safety  
Phone: (208) 332-8986

STATEMENT OF PURPOSE/FISCAL NOTE

Bill No.